

Appeal Decision

Site visit made on 10 December 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/T5150/W/19/3237479

78 Chamberlayne Road, London NW10 3JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Panteli against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/2381, dated 4 July 2019, was refused by notice dated 3 September 2019.
 - The development proposed is a two storey side extension plus pitched roof addition to pitched rear outrigger to additionally provide 1 X 1B1P flat together with amendments to internal layout of existing HMO.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For completeness, I have used the appellant's full name from the appeal form.

Application for costs

3. An application for costs was made by Mr Nick Panteli against the London Borough of Brent. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a three-storey end of terrace building located on the corner of Chamberlayne Road and Mostyn Gardens. The host building has a flat-roofed projection which wraps around the front and side of the property. This side projection is lower in height than a further side projection that adjoins it and the host property's gable elevation. A two-storey outrigger is to the rear. The ground floor of the property is occupied by a shop, though this is outside the site edged red. Two ground floor self-contained flats occupy the appeal property. The first and second floors are used as a six bed House in Multiple Occupation (HMO) with a shared kitchen. A studio flat is within the loft.
6. Buildings on the south-western side of Chamberlayne Road are of a similar scale and appearance to the host building. Typically, properties form terraced rows. Properties in Mostyn Gardens are characterised by traditional two storey,

bay windowed terraces. Pitched roofs are commonplace in the surrounding area, but there are also examples of flat roofs and rear dormers, including on the host building.

7. To the north west of the appeal property is 80 Chamberlayne Road. This property is on the opposing corner of Chamberlayne Road and Mostyn Gardens. A pitched roof two storey extension is to the side. This extension has been set back from the property's front elevation and its ridge.
8. Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies (DMP) states that development will be acceptable provided it is: of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality.
9. In refusing planning permission, the Council also relied on Residential Extensions and Alterations Supplementary Planning Document (SPD) 2. The appellant queries the relevance of the SPD, but it is a consideration in the determination of planning applications. Where planning permission is needed to alter or extend your house, proposals should conform to the guidance in this SPD. The property has a mixed use, but it is mostly put to residential use. The overarching principles could be applied to all residential properties given the requirement of DMP Policy DMP1. As such, the SPD is relevant to my consideration of the proposal, even if it has not been relied on by the Council in the two schemes previously dismissed at appeal¹.
10. The SPD explains that two storey side extensions to corner properties may require a 1.5 metre set back and that the ridgeline of the new extension should be set to a minimum of 0.5 metres below the ridgeline of the original house to ensure it appears suitably subservient.
11. The proposed side extension would not be set back from the front building line of the main body of the terrace or set down from the ridgeline. In the context of the lower scale of development on Mostyn Gardens, to the side and rear of the appeal property and the subordinate extension at No 80, I consider that a subservient form of development to the side is warranted in this case. While the proposed brick gable elevation would better reflect the terrace in terms of its materials, this does not change my opinion that the proposed side extension would not be of an acceptable scale when viewed from Chamberlayne Road and Mostyn Gardens, even though I agree with the appellant's view on the proposal's compliance with the other aspects of DMP Policy DMP1.
12. My attention has been drawn to the opposing end of the terrace which is at the junction of Chamberlayne Road and Mortimer Road. While 62 Chamberlayne Road abuts the footway to the side, this property mirrors the relationship that the terrace on the other side of Mortimer Road also has with the footway. The properties on either side of the Mostyn Gardens junction differ in that they have subordinate projections to the three-storey terrace to the side. As such, No 62 and the appeal property are not directly comparable situations even though they form part of the same terrace.
13. I agree with the Council about the proposed rear extension being consistent with the design of the rear elevations of neighbouring properties. I recognise

¹ Appeal Decision Refs: APP/T5150/W/17/3177569 and APP/T5150/W/18/3201066

the appellant's efforts in this regard with a view to overcoming the concerns raised in earlier decisions and that this aspect of the appeal scheme would not result in any additional floorspace. However, this part of the proposal would not be functional and physically severable from the proposed side extension. Hence, I am not able to issue a split decision on this occasion.

14. As I set out earlier, two previous schemes relating to the appeal property have been dismissed at appeal. The scheme before me differs from these and I recognise the appellant's efforts with a view to finding a solution to the Council's concerns. The proposal would result in internal changes to the existing accommodation and provide extra residential accommodation in an accessible location close to facilities and services which would result in some modest economic benefits. However, these matters are outweighed by my conclusion that the proposed development would cause significant harm to the character and appearance of the area. The proposal would be contrary to DMP Policy DMP1 which requires good design that would complement the locality. The proposal would also go against the grain of the advice set out in SPD2.

Conclusion

15. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR